

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT ALLEN JACKSON, III.,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

Case No. C12-16-RSM

**ORDER AND CERTIFICATE OF
APPEALABILITY**

The Court, having reviewed the 28 U.S.C. § 2254 habeas petition, the Answer, petitioner's response, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and any objections or responses to that, and the remaining record, finds and Orders as follows:

1. The Report and Recommendation is **ADOPTED**;
2. The habeas petition is **DENIED**;
3. Petitioner is **GRANTED** issuance of a certificate of appealability on the sole ground raised in his petition, insufficiency of the evidence; and
4. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 7 day of August 2012.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE